

**E-FILED on November 2, 2007**

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**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA CAPITAL FIRST TRUST DEED FUND,  
 LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

**NOTICE OF HEARING ON USA  
 CAPITAL REALTY ADVISORS, LLC'S  
 MOTION FOR SUMMARY  
 JUDGMENT  
 (Affects USA Capital Realty Advisors,  
 LLC)**

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☒ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Date of Hearing: December 20, 2007  
 Time of Hearing: 9:30 a.m.

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NOTICE IS HEREBY GIVEN that Capital Realty Advisors, LLC (“USA Realty”), by and through its counsel, has filed a Motion for Summary Judgment (“Motion”) seeking summary judgment in favor of USA Realty on the basis that it has no liability on account of proofs of claim numbered 41 and 57 filed by the Margaret B. McGimsey Trust in the amount of \$96,094.75 each; 42 and 56 filed by Sharon or Jerry McGimsey in the amount of \$311,091.58 each; 43 and 55 filed by Johnny Clark in the amount of \$99,467.90 each; and 44 and 54 filed by Bruce McGimsey in the amount of \$86,171.22 each, all of which were filed as general, unsecured claims.

Any Opposition must be filed pursuant to Local Rule 9014(d)(1).

Local Rule 9014(d)(1): “Oppositions to a motion must be filed and service must be completed on the movant no later than fifteen (15) days after the motion is served except as provided by LR 3007(b) and LR 9006. If the hearing has been set on less than fifteen (15) days’ notice, the opposition must be filed no later than five (5) business days before the hearing, unless the court orders otherwise. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule.”

If you object to the relief requested, you *must* file a WRITTEN response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse to allow you to speak* at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

A copy of the Motion may be obtained by accessing BMC Group, Inc.’s website at [www.bmcgroup.com/usacmc](http://www.bmcgroup.com/usacmc), by accessing PACER through the United States Bankruptcy Court website for Nevada at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov), by contacting BMC Group at telephone: (888) 909-0100, or by contacting the office of the Debtor’s counsel, Schwartz & McPherson Law Firm, telephone: (702) 228-7590 or fax: (702) 892-0122.

1 NOTICE IS FURTHER GIVEN that the hearing on the Motion may be continued without  
2 further notice.

3 NOTICE IS FURTHER GIVEN that the hearing on the Motion will be held before a  
4 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South,  
5 3<sup>rd</sup> Floor, Las Vegas, Nevada on **December 20, 2007 at 9:30 a.m.**

6 Respectfully submitted this 2nd day of November, 2007.

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8  
9 /s/ Lenard E. Schwartz, Esq.

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